

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

OLYMPUS GROWTH FUND VI, L.P.,

LIQUI-BOX, INC.,

and

DS SMITH PLC,

Defendants.

Civil Action No.: 1:20-cv-00464

Hon. Christopher R. Cooper

**CERTIFICATE OF COMPLIANCE WITH PROVISIONS
OF THE ANTITRUST PROCEDURES AND PENALTIES ACT**

The United States of America hereby certifies that it has complied with the Antitrust Procedures and Penalties Act (“APPA”), 15 U.S.C. § 16, and states:

1. The United States filed the Complaint, Asset Preservation Stipulation and Order (“Asset Preservation Order”), proposed Final Judgment, and Competitive Impact Statement on February 19, 2020.

2. Pursuant to 15 U.S.C. § 16(b), the proposed Final Judgment and Competitive Impact Statement were published in the *Federal Register* on February 28, 2020 (85 Fed. Reg. 12017 (2020)), and copies of the proposed Final Judgment and Competitive Impact Statement were furnished to all persons requesting them and made available on the Department of Justice Antitrust Division’s website.

3. Pursuant to 15 U.S.C. § 16(c), a summary of the terms of the proposed Final Judgment and Competitive Impact Statement was published in *The Washington Post*, a newspaper of general circulation in the District of Columbia, for seven days, beginning on February 26, 2020, and ending on March 3, 2020.

4. No determinative materials or documents within the meaning of 15 U.S.C. § 16(b) were considered by the United States in formulating the proposed Final Judgment, so none were furnished to any person pursuant to 15 U.S.C. § 16(b) or listed pursuant to 15 U.S.C. § 16(c).

5. As required by 15 U.S.C. § 16(g), on February 28, 2020, Defendants filed with the Court descriptions of any written or oral communications made by or on behalf of Defendants with any officer or employee of the United States concerning the proposed Final Judgment.

6. The 60-day comment period specified in 15 U.S.C. § 16(b) commenced on March 3, 2020, and ended on May 4, 2020.

7. The United States received no comments from members of the public concerning the proposed Final Judgment.

8. On August 26, 2020, the United States and Defendants filed a Stipulation for Extension of Time that modified Paragraph IV(J) of the proposed Final Judgment to allow an additional one-hundred and twenty (120) days for Defendants to relocate the Divested Fitment Equipment (as defined in Paragraph II(H)(3)) (“August 26 Stipulation”).

9. The modified proposed Final Judgment is identical in all respects to the proposed Final Judgment filed with the Court on February 19, 2020, except it reflects the additional time agreed to in the August 26 Stipulation.

10. The parties have, therefore, satisfied all of the requirements of the APPA that were conditions for entering the proposed Final Judgment. Pursuant to the Asset Preservation Order filed on February 19, 2020, and 15 U.S.C. § 16(e), the Court may enter the Final Judgment after it determines that the modified proposed Final Judgment serves the public interest.

11. Plaintiff's Competitive Impact Statement demonstrates that the modified proposed Final Judgment satisfies the public interest standard set forth in 15 U.S.C. § 16(e).

12. Pursuant to the Asset Preservation Order, entered by the Court on February 25, 2020, Defendants stipulated that the Final Judgment could be filed with and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the APPA, and without further notice to any party or other proceeding. Defendants consent to entry of the modified proposed Final Judgment.

13. The United States requests that this Court enter the Final Judgment without further proceedings or hearings.

Dated: June 17, 2021

Respectfully submitted,

FOR PLAINTIFF
UNITED STATES OF AMERICA

/s/

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Attorney

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